

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

**DENNIS E. HOLMAN AND
YOLANDA HOLMAN**

CIVIL ACTION 11-1864

VERSUS

JUDGE ROBERT G. JAMES

**W-INDUSTRIES OF LOUISIANA, LLC,
ET AL.**

MAG. JUDGE KAREN L. HAYES

RULING

Plaintiffs Dennis and Yolanda Holman (“the Holmans”) filed suit against Defendants W-Industries of Louisiana, LLC (“W-Industries”), Liebert Services, Inc., and Emerson Network Power. The Holmans allege that Defendants are liable for injuries allegedly sustained by Mr. Holman on November 3, 2010, when he was working as a production operator for Greystar Corporation (“Greystar”) aboard the ATP TITAN. W-Industries then asserted a third-party demand against Mr. Holman’s employer, Greystar.

Pending before the Court is a Motion for Summary Judgment [Doc. No. 83] filed by Greystar. Greystar contends that the ATP TITAN is a non-vessel, and, thus, Greystar is immune from tort liability.

On August 13, 2013, the Court stayed consideration of Greystar’s Motion for Summary Judgment because this identical issue was pending before the United States Court of Appeals for the Fifth Circuit in the matter of *Warrior Energy Servs. Corp. v. ATP TITAN M/V*, 13-30587. [Doc. No. 89].

On January 6, 2014, the Fifth Circuit issued an opinion, affirming the district court's decision that the ATP TITAN is a non-vessel.

On January 9, 2014, Greystar filed a Motion for Leave to File Supplemental Memorandum in Support of Motion for Summary Judgment [Doc. No. 92]. The following day, the Court granted the motion, and the supplemental memorandum was filed in the record. [Doc. Nos. 93 and 94]. The Court further ordered that any supplemental memorandum in opposition to the Motion for Summary Judgment be filed no later than January 23, 2014. No opposition was filed.

The Fifth Circuit's decision became final on January 28, 2014, and there is no longer a basis for a stay in this matter. Therefore, the stay [Doc. No. 89] is LIFTED.

In light of the Fifth Circuit's final binding opinion in *Warrior Energy* that the ATP TITAN is a non-vessel, the Court further finds that Greystar is immune from tort liability. Greystar's Motion for Summary Judgment is GRANTED, and all claims against it are DISMISSED WITH PREJUDICE.

MONROE, LOUISIANA, this 30th day of January, 2014.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE